

IC 16-41-27

Chapter 27. Health, Sanitation, and Safety: Mobile Homes

IC 16-41-27-1

Authority of state department of health

Sec. 1. This chapter recognizes the mobile home as a suitable and necessary dwelling unit in Indiana. The state department may do the following:

- (1) Require reasonable standards of health, sanitation, and safety in using the dwelling units.
- (2) Require persons dwelling in mobile homes and mobile home park operators to comply with the standards.
- (3) Authorize local boards to enforce the standards adopted.

IC 16-41-27-2 Repealed

IC 16-41-27-3 Local board

Sec. 3. As used in this chapter, "local board" means a local agency of government authorized to enforce the standards of health and sanitation prescribed for mobile homes and mobile home parks by the state department.

IC 16-41-27-4 Mobile home

Sec. 4. As used in this chapter, "mobile home" means a vehicle, including the equipment sold as a part of a vehicle, that meets the following conditions:

- (1) Is constructed for use as a conveyance upon public streets or highways by either self-propelled or not self-propelled means.
- (2) Is designed, constructed, or reconstructed, or added to by means of an enclosed addition or room, to permit the occupancy as a dwelling for at least one (1) person.
- (3) Is used and occupied as a dwelling.
- (4) Does not have a foundation other than wheels, jacks, skirting, or other temporary supports.

IC 16-41-27-5 Mobile home park

Sec. 5. As used in this chapter, "mobile home park" means an area of land on which at least five (5) mobile homes, other than mobile homes on permanent foundations, are harbored on temporary supports for the purpose of being occupied as principal residences. The term includes the following:

- (1) All real and personal property used in the operation of the mobile home park.
- (2) An area of land that is subdivided and contains individual lots that are leased or otherwise contracted if at least five (5) mobile homes (other than mobile homes on permanent foundations) are harbored on temporary supports there for the purpose of being occupied as principal residences.

IC 16-41-27-6 Permanent foundation

Sec. 6. As used in this chapter, "permanent foundation" means a structural system that meets the following conditions:

- (1) Transfers loads imposed by a mobile home to the earth.
- (2) Has a lower surface placed below the frost line.
- (3) Is attached to the mobile home in such a way to secure the mobile home to the foundation that the mobile home becomes part of the real property.
- (4) Is assessed for taxation as an improvement to the real property.

IC 16-41-27-7 Temporary supports

Sec. 7. As used in this chapter, "temporary supports" means a structural system that meets the following conditions:

- (1) Transfers loads imposed by a mobile home to the earth.
- (2) Has a lower surface placed above the frost line.

IC 16-41-27-8 Rules

Sec. 8. (a) Except as provided in subsection (b), the state department may adopt rules under IC 4-22-2 to carry out this chapter, including rules for the following:

- (1) Health, sanitation, and safety.
- (2) Sewage collection.
- (3) Sewage disposal through septic tank absorption fields.

(b) The water board shall adopt rules under IC 4-22-2 concerning the following:

(1) Public water supplies required for mobile home parks.

(2) Sewage disposal systems other than septic tank absorption fields.

IC 16-41-27-9 Mobile home park attendants and caretakers

Sec. 9. A mobile home park must be in the personal charge of an adult attendant or caretaker designated by the owner or operator of the mobile home park at the times when mobile homes in the mobile home park are occupied by tenants. The caretaker present at the time of a violation of this chapter is equally responsible with the owner or operator of the mobile home park for a violation of this chapter.

IC 16-41-27-10 Mobile home park water supplies

Sec. 10. A mobile home park shall provide a water supply through the use of a public water system if the water supply is reasonably available within a reasonable distance from the mobile home park. A mobile home park is not required to use a public water system if the water system is more than two thousand (2,000) feet from the mobile home park. If a public water system is not available, water shall be provided by a system approved by the environmental commissioner under rules adopted by the water pollution control board.

IC 16-41-27-11 Mobile home park sewage disposal

Sec. 11. (a) A mobile home park shall dispose of sewage through the use of a public sewerage system if the sewerage system is available within a reasonable distance from the mobile home park. If a public sewerage system is not available, sewage may be disposed of in accordance with rules adopted under section 8 of this chapter. A water carriage system of collecting sewage shall be used. The park operator shall require the owner of a mobile home to provide a watertight and odor-tight connection of a type acceptable to the state department under rules adopted by the state department.

(b) All occupied mobile homes shall be connected to the sewerage system of the park at all times. All sewer connections not in use must be closed in a manner that does not:

(1) emit odor; or:

(2) cause a breeding place for flies.

(c) Sewerage systems other than water carriage systems may not be approved for mobile home parks, except nonwater carriage systems may be provided for emergency use only during a temporary failure of a water or an electric system.

IC 16-41-27-12 Mobile home park garbage and trash disposal

Sec. 12. Suitable garbage containers or a garbage disposal system and trash containers shall be made available in a sanitary manner to each mobile home. The garbage and trash of the park must be disposed of in a manner approved by the state department.

IC 16-41-27-13 Repealed

IC 16-41-27-14 Repealed

IC 16-41-27-15 Mobile home park streets

Sec. 15. Streets must be at least ten (10) feet wide and sufficiently wide to prevent vehicular and pedestrian traffic problems. Adequate area must be provided for the parking of vehicles. All roads in mobile home parks shall be maintained to be dust proof. Each mobile home in a mobile home park shall have ready and free access to the road in a park.

IC 16-41-27-16 Mobile home park animal control

Sec. 16. Domestic animals and house pets may not be permitted to run at large or commit a nuisance within the limits of a mobile home park.

IC 16-41-27-17 Mobile home park lighting

Sec. 17. Every part of a mobile home park must be lighted at night.

IC 16-41-27-18 Mobile home park license requirement

Sec. 18. A mobile home park may not be operated without obtaining a license from the state department.

IC 16-41-27-19 Mobile home park license duration

Sec. 19. A license to operate a mobile home park shall be issued for four (4) years and expires at midnight on December 31.

IC 16-41-27-20 Mobile home park license applications

Sec. 20. (a) An application for a license to operate a mobile home park must be made to the state department on a form prescribed and furnished by the state department, only after plans for the park have been approved.

(b) If an operator does not apply for the renewal of a license before the date the license expires:

- (1) the license expires on that date; and
- (2) the operator must pay the penalty fee set forth in section 24(b) of this chapter to obtain a new license.

IC 16-41-27-21 Temporary mobile home park licenses

Sec. 21. The state department may license temporary mobile home parks for a period of six (6) months and waive the requirements of this chapter if:

- (1) the failure to comply with this chapter is:
 - (A) for a temporary period of time; and
 - (B) required by public convenience; and
- (2) the operation of the park will not jeopardize the health and welfare of the occupants of the park and the community.

IC 16-41-27-22 Mobile home park construction and alteration

Sec. 22. (a) The construction of a new mobile home park or alteration of an existing mobile home park shall be made only after plans for the proposed construction or alteration have

been forwarded to and approved by the state department.

(b) A public water system may not be constructed or altered in a new or existing mobile home park until plans for the construction or alteration have been forwarded to and approved by the environmental commissioner under rules adopted by the water board.

(c) A sewage collection and disposal system may not be constructed or altered in a new or existing mobile home park until:

- (1) plans for construction or alteration of the sewage collection system and any septic tank absorption field have been forwarded to and approved by the state department under rules adopted by the state department; and
- (2) plans for construction or alteration of any sewage disposal system other than a septic tank absorption field have been forwarded to and approved by the environmental commissioner under rules adopted by the water board.

IC 16-41-27-23 Mobile home park construction and alteration plan approval

Sec. 23. The state department or the environmental commissioner shall, not more than ninety (90) days after filing, approve plans filed under section 22 of this chapter that comply with this chapter and rules adopted under this chapter.

IC 16-41-27-24 Mobile home park inspection and penalty fees

Sec. 24. (a) An inspection fee must be submitted to the state department with each license application. The fee is two hundred dollars (\$200) for not more than fifty (50) mobile home sites and one hundred fifty dollars (\$150) for each increment of not more than fifty (50) additional sites. Units of state and local government are exempt from the fee.

(b) This subsection does not apply to an application made after an enforcement action. A penalty fee of two hundred dollars (\$200) for not more than fifty (50) mobile home sites and one hundred fifty dollars (\$150) for each increment of not more than fifty (50) additional sites may be imposed by the state department for an

application for license renewal filed after the license has expired.

IC 16-41-27-25 Civil penalties and compliance orders

Sec. 25. (a) The state department shall adopt a schedule of civil penalties that may be levied in an action to enforce the following:

- (1) This chapter.
- (2) The rules of the state department.
- (3) The rules adopted under this chapter by the water board.

(b) A penalty included in the schedule of civil penalties adopted under subsection (a) may not exceed one thousand dollars (\$1,000) per violation per day.

(c) The state department may issue an order of compliance, impose a civil penalty included in the schedule of civil penalties adopted under subsection (a), or both, against a person who:

- (1) fails to comply with this chapter or a rule adopted under this chapter; or
- (2) interferes with or obstructs the state department or the state department's designated agent in the performance of duties under this chapter.

(d) An order of compliance may be issued under IC 4-21.5-3-6, IC 4-21.5-3-8, or IC 4-21.5-4. A civil penalty may be imposed only in a proceeding under IC 4-21.5-3-8.

(e) A proceeding to impose a civil penalty may be consolidated with any other proceedings to enforce any of the following:

- (1) This chapter.
- (2) The rules of the state department.
- (3) The rules adopted under this chapter by the water pollution control board.

IC 16-41-27-26 Notice of adverse actions on licenses; enforcement proceedings

Sec. 26. (a) The state department shall provide a written notice to a mobile home park operator of the following:

- (1) The revocation of the operator's license.
- (2) The denial of the operator's application for a license.

(3) The denial of the approval of the construction or alteration of a park.

(b) The notice under subsection (a) must contain the following:

- (1) A statement of the manner in which the operator has failed to comply with the law or rules of the state department.
- (2) The length of time available to correct the violation.

(c) The state department may order an operator to comply with this chapter or rules adopted under this chapter. If an operator fails to comply within the time specified by the order, the state department may initiate proceedings to force compliance in the circuit court in the county of the operator's residence or in the county where the mobile home park is located. The court may grant appropriate relief to ensure compliance with this chapter and rules adopted under this chapter.

IC 16-41-27-27 Mobile home park inspections

Sec. 27. The state department or a person designated by the state department may at any reasonable time inspect the premises and take necessary and reasonable steps in a mobile home park to determine whether or not a mobile home park is in compliance with this chapter and rules adopted under section 8 of this chapter.

IC 16-41-27-28 Compliance with administrative adjudication procedures

Sec. 28. The state department shall comply with IC 4-21.5-3 in a hearing upon the revocation of a license or the refusal to grant a license.

IC 16-41-27-29 Liens

Sec. 29. (a) Subject to subsection (b), the owner, operator, or caretaker of a mobile home park has a lien upon the property of a guest in the same manner, for the same purposes, and subject to the same restrictions as an innkeeper's lien or a hotel keeper's lien

(b) With regard to a lienholder:

(1) if the property has a properly perfected secured interest under IC 9-17-6-7; and

(2) the lienholder has notified the owner, operator, or caretaker of the mobile home park of the lienholder's lien by certified mail;

the maximum amount of the innkeeper's lien may not exceed the actual late rent owed for not more than a maximum of sixty (60) days immediately preceding notification by certified mail to the lienholder that the owner of the property has vacated the property or is delinquent in the owner's rent.

(c) If the notification to the lienholder under subsection (b) informs the lienholder that the lienholder will be responsible to the owner, operator, or caretaker of the mobile home park for payment of rent from the time the notice is received until the mobile home is removed from the park, the lienholder is liable for the payment of rent that accrues after the notification

IC 16-41-27-30 Ejections from mobile home parks

Sec. 30. The owner, operator, or caretaker of a mobile home park may eject a person from the premises for any of the following reasons:

(1) Nonpayment of charges or fees for accommodations.

(2) Violation of law or disorderly conduct.

(3) Violation of a rule of the state department relating to mobile home parks.

(4) Violation of a rule of the park that is publicly posted within the park.

IC 16-41-27-31 Mobile home park registers

Sec. 31. Each mobile home park operator shall maintain a register open for the inspection of the state department or the state department's representatives containing the following information for each mobile home in a park:

(1) The names and ages of all occupants.

(2) The owner of the mobile home.

IC 16-41-27-32 Licensing and regulation of mobile home parks by local authorities

Sec. 32. A governmental body other than the state department of health may not license or regulate mobile home parks, except for the following:

(1) Local boards may enforce the standards of health and sanitation prescribed for mobile homes and mobile home parks by the state department.

(2) County and municipal authorities within their respective jurisdictions have jurisdiction regarding zoning and building codes and ordinances pertaining to mobile home parks.

(3) Local boards may regulate the construction and operation of groups of not more than four (4) mobile homes, in accordance with standards that are compatible with standards set by the state department for mobile home parks.

IC 16-41-27-33 Transfer of mobile home park licenses

Sec. 33. A license to engage in the operation of a mobile home park is transferable only with the consent of the state department. The state department may, upon application, cancel a license issued for the operation of a mobile home park and issue a new license to the transferee for the balance of the license period.

IC 16-41-27-34 Unlicensed operation of mobile home parks

Sec. 34. A person who maintains or operates a mobile home park:

(1) without a license; or

(2) after the revocation of a license;

commits a Class B misdemeanor.